

REMARKS

**I. Introduction**

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

No claims are requested to be cancelled.

No claims are currently being amended.

No claims are being added.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-26, 31 and 32 are now pending in this application.

**II. The Prior Art Rejections Should Be Withdrawn**

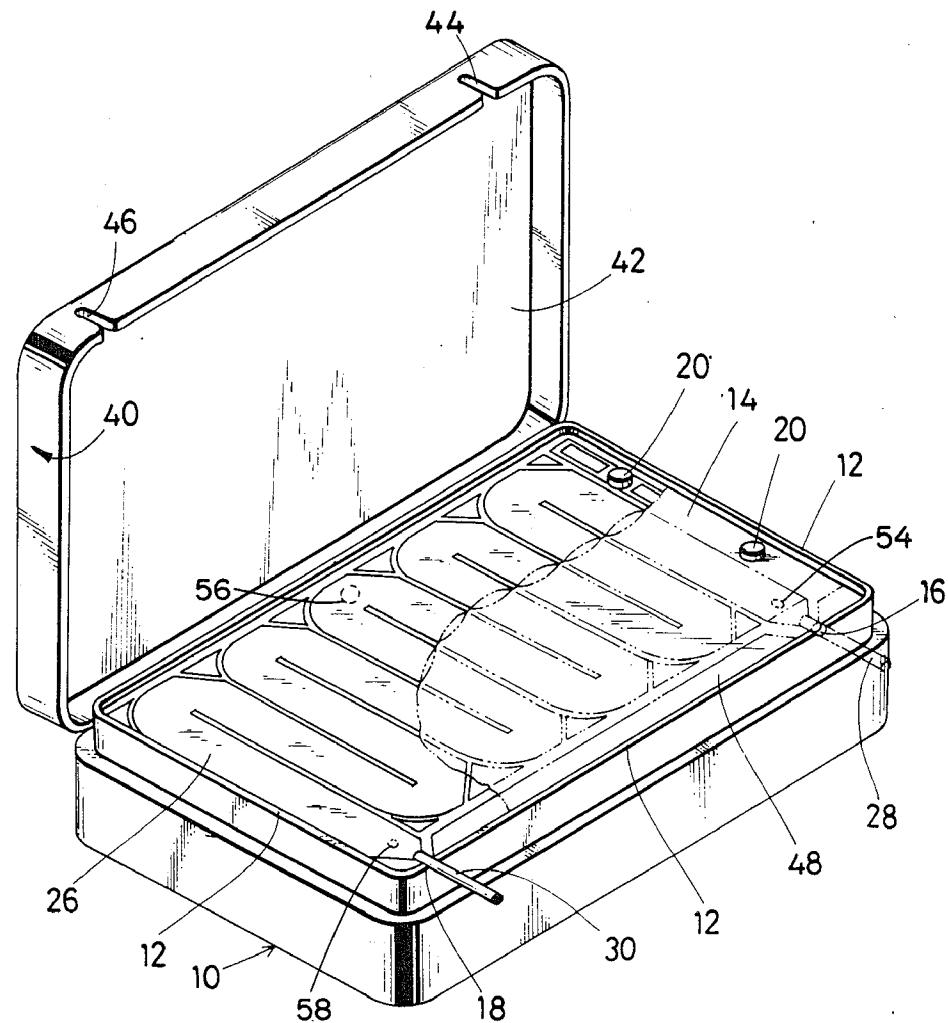
In this Office Action, the Examiner has rejected claims 1-9, 12-15, 17-19, 22, 24-26, 31, and 32 under 35 U.S.C. §103(a) as being unpatentable over Ogawa (US Pat 4,680,445) in view of Swenson (US Pat 5,195,976). Claims 10 and 16 are also rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa, in view of Swenson, and in view of Lenker (US Pat 6,746,439).

Claims 11 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa, in view of Swenson, and in view of Shigezawa (US Pat 6,641,556). Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogawa in view of Swenson, and in view of Cassidy et al. (US Pat 6,175,688). Applicant respectfully traverses.

Applicant respectfully submits that all of these rejections are based on a technically inaccurate interpretation of Ogawa. In particular, the Office Action alleges that Ogawa discloses a fluid delivery line that includes three thermal sensors, as required by each and every pending claim. This is incorrect. Instead, as clearly shown in, e.g., Fig. 1 (excerpted below) Ogawa describes case-type warming device (made up of casing 10 and cover 40) which receives a fluid warming bag (element 26) through which fluid can flow. (See Abstract and col 3, line 4-24). A person skilled in the art would not identify this case-type device as a fluid delivery line.

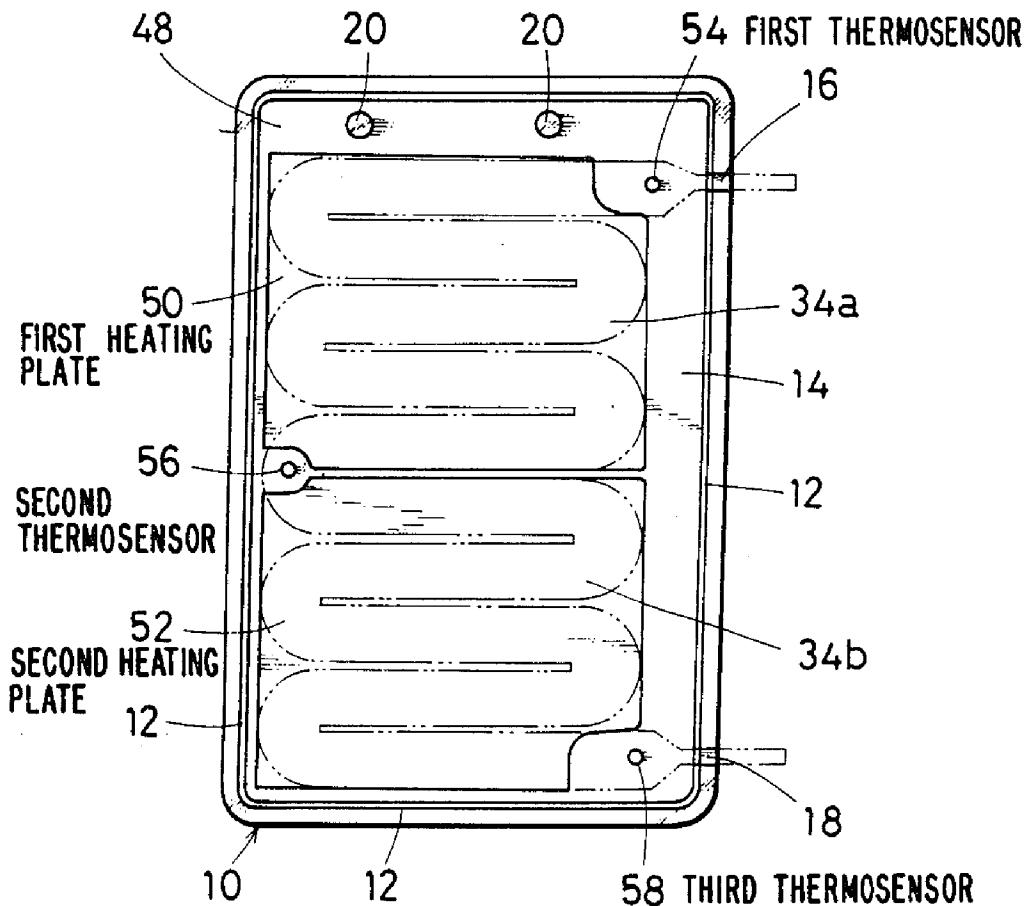
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FIG. 1



Even assuming, *arguendo*, that the bag element of the Ogawa (through which fluid does flow) could be interpreted as a fluid delivery line, this bag does not include three thermal sensors. To the contrary, Ogawa explicitly teaches that these sensors are mounted on the case like device (see, e.g., Fig. 4, excerpted below).

**FIG. 4**



In view of the foregoing, Applicant submits that the Office Action sets forth a technically inaccurate interpretation of Ogawa. Since Ogawa serves as the basis for each and every prior art rejection, all of the rejections lack proper basis.

### **III. Conclusion**

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

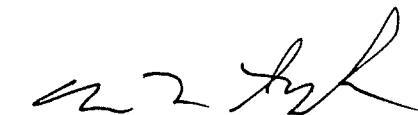
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

6/9/2011

Date \_\_\_\_\_

By \_\_\_\_\_



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